

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHELLE SOLOBAY,
Plaintiff,

v.

PRESIDIO TRUST,
Defendant.

Case No. 24-cv-04186-KAW

ORDER TO SHOW CAUSE

This action was filed on July 11, 2024. (Dkt. No. 1.) Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff has 90 days to complete service of the complaint and summons on Defendant, such that October 9, 2024 was the last day to complete service or to file a Motion for Administrative Relief from the deadline pursuant to Civil L.R. 7-11. Because the case is brought under the Federal Torts Claim Act (“FTCA”), the only proper defendant is the United States, not the Presidio Trust. *See Lance v. United States*, 70 F.3d 1093, 1094 (9th Cir. 1995) (“The United States is the only proper defendant in an FTCA action.”).

On September 25, 2024, the United States appeared for the limited purpose of requesting that the October 15, 2024 case management conference be continued because the United States had not yet been served. (Dkt. No. 8.) The United States stated that it had attempted to resolve this issue via stipulation, but that Plaintiff’s counsel did not respond. (Dkt. No. 8 at 2.) Plaintiff did not file a response to the United States’ administrative motion, and the Court continued the case management conference to December 10, 2024, with the case management conference statement due on December 3, 2024. (Dkt. No. 9.)

On December 3, 2024, the United States again appeared for the limited purpose of providing an update, stating that Plaintiff had made no further attempts to serve the United States.


(Dkt. No. 10.) Plaintiff did not file their case management conference statement. Indeed, Plaintiff has not filed anything since July 2024, when they filed a certificate of their purported service of the Presidio Trust. (Dkt. No. 7.)

Accordingly, the Court ORDERS Plaintiff to show cause why this matter should not be dismissed for failure to serve the proper Defendant in this case by serving the United States by December 18, 2024. Failure to comply may result in the case reassigning the case to a district judge and recommending that it be dismissed for failure to serve the complaint and/or failure to prosecute.

The Court CONTINUES the December 10, 2024 case management conference to **February 11, 2025** at 1:30 p.m. The joint case management conference statement is due by February 4, 2025.

IT IS SO ORDERED.

Dated: December 5, 2024


KANDIS A. WESTMORE
United States Magistrate Judge